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Attorneys for Defendant  
UNITED STATES DEPARTMENT OF HOMELAND SECURITY

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF CALIFORNIA

NOSSAMAN, LLP,  
Plaintiff,  
v.

UNITED STATES DEPARTMENT  
OF HOMELAND SECURITY,  
Defendant.

1:10-cv-01627-OWW-DLB

**STIPULATION AND ORDER TO  
VACATE SUMMARY JUDGMENT  
SCHEDULE TO PROMOTE  
SETTLEMENT**

Date: September 12, 2011  
Time: 10:00 AM  
Ctmm: 3 (3rd Fl., OWW)

The parties are making progress toward settling the captioned FOIA lawsuit. In particular, although they differ on a number of legal issues, they believe they have arrived at a practical framework that addresses the needs of both sides and that shows promise of resolving the litigation. Although the Amended Scheduling Conference Order filed February 14, 2011, sets a schedule for declaration filing and summary judgment argument from May 20, 2011, to September 12, 2011, the litigation will be detrimental to further settlement progress. Instead, the parties believe that the most beneficial course would be for the Court to stay the action but maintain control by setting a status conference and a filing date for a joint status report.

The parties therefore jointly request, subject to the Court's approval as provided for hereon, as follows:

1 1. That the dates in the Amended Scheduling Conference Order filed February 14,  
2 2011, be and are VACATED and the action STAYED except as follows.

3 2. That a Status Conference be and is SET before Judge Dennis L. Beck for July  
4 14, 2011, at 9:30 AM.

5 3. That by June 30, 2011, the parties shall file a joint status report stating whether  
6 they have settled the case; if not, stating whether they wish to continue the status  
7 conference; and if not, covering the matters specified in the Order Setting Mandatory  
8 Scheduling Conference filed September 9, 2010.

9 Dated: May 16, 2011

NOSSAMAN, LLP

10 By: /s/ Robt Horton

11 PAUL S. WEILAND  
12 ROBERT C. HORTON  
Attorneys for Plaintiffs

13 Dated: May 16, 2011

BENJAMIN B. WAGNER  
United States Attorney

14 By: /s/ Y Himel

15 YOSHINORI H. T. HIMEL  
16 Assistant U. S. Attorney  
Attorneys for Defendant

17 ORDER

18  
19 IT IS SO ORDERED.

20 Dated: May 17, 2011

/s/ Oliver W. Wanger  
UNITED STATES DISTRICT JUDGE